

RESOLUTION APPROVING ABC BOARD REQUEST TO EXCLUDE PROCEEDS OF SALE OF PROPERTY FROM INCOME, AND TO USE SAID PROCEEDS FOR PLANNED IMPROVEMENTS

WHEREAS, N.C. Gen. Stat. sec. 18B-805 (d) authorizes a local ABC board to set aside a portion of its gross receipts as a fund for special capital improvements, with the approval of the appointing authority; and

WHEREAS, City of Asheville Board of Alcoholic Control (herein "Board") has requested approval by the Asheville City Council of its request to set aside the proceeds from the sale of the Board's old store at 209 Tunnel Road from its gross receipts for purposes of required distribution, so that the entirety of the sale proceeds may be used for use for planned capital improvements, specifically a new store at 650 Hendersonville Highway; and

WHEREAS, the City Council has determined that it is in the public interest to approve said request;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The request of the Board to exclude the proceeds from the sale of its old store at 209 Tunnel Road so as to allow said proceeds to be used for a new store at 650 Hendersonville Highway, be and the same is hereby, approved.
2. The City Manager be, and is hereby, authorized to provide any necessary and appropriate assistance to the Board, consistent with this resolution.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Burlington
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Magdalen
CITY ATTORNEY

Magdalen Burlington
City Clerk

RESOLUTION NO. 13-41

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING IN THE FRENCH BROAD RIVER METROPOLITAN AREA

WHEREAS, it is recognized that the proper and efficient movement of travel within and through the French Broad River Region and its urban areas is critical for orderly growth and development; and

WHEREAS, a Metropolitan Planning Organization establishes a cooperative, comprehensive, and continuous framework for making transportation investment decisions in cooperation with the State DOT and transit operators to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public's health, safety, and welfare; and

WHEREAS, Section 134(a) of Title 23 of the United States Code states that promotion of safe and efficient management, operations, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning is in the national interest; and

WHEREAS, there are a number of governmental jurisdictions within our region that have been authorized implementation and regulatory responsibilities for transportation planning by North Carolina General Statutes; and

WHEREAS, a Memorandum of Understanding has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Memorandum of Understanding among the Cities of Asheville and Hendersonville; the Towns of Biltmore Forest, Black Mountain, Canton, Clyde, Fletcher, Laurel Park, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, and Woodfin; the Village of Flat Rock; the counties of Buncombe, Haywood, Henderson, Madison and Transylvania; and the State of North Carolina is approved and the Mayor is hereby authorized to execute this Memorandum of Understanding.
2. This Resolution shall be effective upon adoption.

Read, approved and adopted this 12th of March, 2013.

Magdalen Bourleson
City Clerk

Ann Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bourleson
City Clerk

194

Amended by Reso 14-193 - 8/26/14

RESOLUTION NO. 13- 42

RESOLUTION EXEMPTING THE NORTH FORK WATER TREATMENT PLANT DAM/TUNNEL EVALUATION & REPAIRS PROJECT FROM THE ANNOUNCEMENT REQUIREMENT OF NCGS §143-64.31 AND AWARDING AN ENGINEERING DESIGN SERVICES CONTRACT TO SCHNABEL ENGINEERING SOUTH, PC, FOR THE OUTLET WORKS CONDUIT REHABILITATION.

WHEREAS, NCGS §143-64.31, requires North Carolina local governments to announce all requirements for architectural, engineering, and surveying services; and

WHEREAS, NCGS §143-64.32, authorizes a unit of local government, in its sole discretion, to exempt particular projects from the announcement requirements of NCGS §143-64.31, stating the reasons and the circumstances attendant thereto; and

WHEREAS, Schnabel Engineering South, PC, is uniquely familiar with the City's dams at the water treatment plants as the City's Water Resources Department has used Schnabel Engineering for several years to inspect the dams at the water treatment plants, make recommendations for repairs or improvements, and perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project; and

WHEREAS, Schnabel Engineering is recognized as an expert engineering firm specializing in dam design, construction, and maintenance; and

WHEREAS, based on past successful experience, Schnabel Engineering is the most qualified firm to perform the scope of services needed for the North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project Engineering Design Services for the Outlet Works Conduit Rehabilitation due to their extensive knowledge of the City's dams at the water treatment plants.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to NCGS §143-64.32(b), the project known as the "North Fork Water Treatment Plant Dam/Tunnel Evaluation & Repairs Project," is exempted from the announcement requirement of NCGS §143-64.31, due to the extensive experience, knowledge, qualification, and expertise possessed by Schnabel Engineering South, PC, of the City of Asheville dams at the water treatment plants.
2. The City Manager is hereby authorized to execute an engineering design services contract with Schnabel Engineering South, PC, for the proposal amount of \$408,190.00 for the rehabilitation of the outlet works conduit at the North Fork Dam.
3. Asheville City Council approves a contingency amount of \$20,410.00 for a total project budget of \$428,600.00 for the rehabilitation of the outlet works conduit at the North Fork Dam and further authorizes the City Manager to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13-43

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLANS FOR 2010-2011

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, The City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015;

WHEREAS, City Council has approved Annual Action Plan for the use of these funds in 2010-2011; and

WHEREAS, the Asheville City Council has received a request, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2010-2011;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Consolidated Annual Action Plans for 2010 be amended as follows:

The Mount Zion Development Corporation is granted an additional \$13,000 of CDBG funds to perform additional feasibility analyses for a proposed affordable and workforce housing development on land and buildings owned by the Mount Zion Church.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Baulson
City Clerk

Jim Bellamy
Mayor

Approved As To Form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION NO. 13-44

RESOLUTION AUTHORIZING A SUBSTANTIAL AMENDMENT OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLANS FOR 2011-2012 and 2012-2013

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2010-2015; and

WHEREAS, City Council has approved Annual Action Plan for the use of these funds in 2011-2012 and 2012-2013; and

WHEREAS, the Asheville City Council has received a request, consistent with the Strategic Plan, to amend the Action Plan for the fiscal year 2011-2012, 2012-2013, and past Plans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Consolidated Annual Action Plans for 2011-2012 and 2012-2013 be amended as follows:

Mountain Housing Opportunities may retain program income generated through the Tier II Emergency Repair program for ongoing use as Tier II Emergency Repair funding.

2. The amendment shall apply to the 2011-2012 and 2012-2013 Action Plans, as well as to program income generated by funding for the Tier II Emergency Repair program in prior years but such program income is received by MHO from this point.

Read, approved and adopted this 12th day of March, 2013.

Magdalena Bouleson
City Clerk

Jim Bellamy
Mayor

Approved as To Form:

Mark
City Attorney

Magdalena Bouleson
City Clerk

RESOLUTION AMENDING THE 2013 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council formal meeting on March 26, 2013, will begin at 2:30 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Bourleson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 13-46

RESOLUTION AMENDING AND ADOPTING RULES OF PROCEDURE FOR ASHEVILLE CIVIL SERVICE BOARD

WHEREAS, Section 4 of Chapter 303 of the 2009 Session Laws authorizes the Civil Service Board of the City of Asheville to make and amend rules for promoting efficiency in the classified service of the City; and

WHEREAS, on the 11th day of January, 2013, the Civil Service Board adopted proposed amended Rules of Procedure to promote the efficiency in the classified service of the City; and

WHEREAS, Section 4 of Chapter 303 of the 2009 Session Laws require that before such proposed rules can become effective, such proposed rules must be approved by a majority vote of the City Council;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The proposed Rules of Procedure adopted by the Asheville Civil Service Board on the 11th day of January, 2013 are hereby approved.
2. All other Rules or rules and regulations approved by the Asheville City Council as proposed by the Civil Service Board are hereby repealed.

Read, approved and adopted this 26th day of February, 2013.

Magdalen Paulson
CITY CLERK

Tom Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Paulson
City Clerk

Asheville City Personnel
Policies CIVIL SERVICE BOARD

RULES OF PROCEDURE

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CIVIL SERVICE BOARD

A. Authority and Purpose:

The Asheville Civil Service Board (hereinafter the "Board") is authorized established and authorized with certain powers pursuant to the provisions of Chapter 757 of the 1953 Session Laws of the North Carolina General Assembly, as amended by Chapter 303 of the 1999 Sessions Laws, Chapter 13 of the 2004 Session Laws and Chapter 401 of the 2009 Session Laws, known and hereinafter referred to as the "Asheville Civil Service Law", and codified in Article II of Subpart B of Part I of the Charter and Related Laws of the City of Asheville (hereinafter the "Related Laws"), which established a Civil Service Commission for the City of Asheville, to hear the grievance of any full-time regular City employee (as defined in the City of Asheville Personnel Policy), who is a member of the classified service. The Board is authorized by the Civil Service Law to conduct a hearing, in the event of a timely request from a member of the classified service, as defined in the Civil Service Law, when that member is discharged, suspended, reduced in rank, transferred against his or her will or is denied any promotion or raise in pay to which he or she would be entitled. The Board has other powers and duties as prescribed by the Civil Service Law. These rules are adopted in accordance with the Civil Service Law and shall govern proceedings held before the Board.

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B. Definitions

- 1. Classified Service: Those persons as defined in Section 3 of the Civil Service Law (Section 33 of the Related Laws), as amended, except for probationary personnel as defined in the Personnel Policy.
- 2. Personnel Policy: A City of Asheville document covering conditions of employment for City of Asheville employees.
- 3. City: City of Asheville

C. Officers and Duties

- 1. Chair:
 - a. The Chair shall be appointed by City Council. The term of office shall be for one (1) year, and the Chair shall be eligible for reappointment subject to the policies of City Council.
 - b. The Chair shall preside over all meetings and grievance hearings, call the meeting or grievance hearing to order, state and put to vote all questions which are

regularly moved or necessarily arise in the course of the meeting, and announce the results of the vote.

c. Subject to these rules, the Chair shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time.

d. The Chair shall appoint any committees necessary to investigate any matter within the jurisdiction of the Board.

2. Vice-Chair: The Board, from among its members, shall elect a vice-chair. The term of office shall be for one (1) year and the vice-chair shall be eligible for re-election. The vice chair shall serve as Chair in the absence of the Chair, and shall have the same powers and duties as the Chair during the absence of the Chair.

3. Secretary: The Human Resources Director ~~or his/her designee~~ has been designated by the City Clerk to shall-serve as Secretary to the Board. The Secretary shall be responsible for: (1) keeping all Board records; (2) preparing all correspondence of the Board; (3) keeping in a permanent volume, the minutes of every meeting of the Board in the City's Human Resources Department; and (4) performing other duties and functions as required by the Civil Service Law. The minutes shall record all important facts pertaining to each meeting, all votes of members of the Board upon all final determination of any question, as well as state the names of the members absent or excused from voting and otherwise comply with North Carolina law for minutes of public bodies. The Secretary shall keep a record of Board attendance and shall not be eligible to vote upon any matter.

D. Members

1. The Board shall consist of five (5) members, as authorized by the Civil Service Law: two (2) elected by employees of the classified service; two (2) appointed by the Asheville City Council. The Chair of the Board shall be appointed annually by City Council. The fifth Board member shall be selected by the other four (4) Board members. Each Board member shall serve a term of two years or until his/her successor is elected or appointed.

2. Faithful attendance at all meetings and grievance of the Board and conscientious performance of the duties required of ~~h~~Board members is a prerequisite of continuing membership on the Board. Unless otherwise approved by the Board, a Board member who fails to attend at least seventy-five percent (75%) of the regularly scheduled meetings, work sessions and grievance hearings of the Board, during any calendar year, shall voluntarily resign.

3. No Board member shall take part in the consideration or determination of any matter or grievance in which he/she is personally or financially interested or which creates any other conflict of interest. Such member(s) of the Board shall be excused from voting due to the conflict of interest by a majority of Board members present. After being excused from voting due to the conflict of interest by a majority of Board members present, said

Board member may not participate in the hearing or presentation of any matter or grievance from which he/she has been excused from voting.

E. Meetings

1. Notice: All notices of official Board meetings shall comply with the Open Meetings Law as set forth in Article 33C of Chapter 143 of the North Carolina General Statutes, as amended.

2. Cancellation: Whenever there is no business for the Board, or a quorum will not be available, the Secretary may cancel and/or reschedule the meeting by giving notice as required by the Open Meetings Law. Additionally, notice of the cancellation shall be posted on the door of Room 623 of City Hall or any other location where the meeting, work session or grievance hearing was scheduled.

3. Regular Meetings: ~~Board meetings, when necessary, shall be held on the first Wednesday of each month with a pre-Board meeting beginning at 3:30 p.m., and the regular meeting convening at 4:00 p.m. The Board shall meet in January of each year to adopt a regular meeting schedule. Regular meetings shall be held in Room 623 of the City Hall Building. Provided, however, meetings may be held at some other convenient time and place in the City if directed by the Secretary in advance of the meeting. The deadline for receiving items for the Board's consideration shall be by 5:00 p.m. on the Wednesday at least seven (7) calendar days before the Board meeting. Each agenda shall include a section for "other business," limited to emergency items requiring the Board's immediate consideration and other general discussion with the Board as required by the Civil Service Law.~~

4. Work Sessions: The Board shall hold two (2) work sessions each calendar year. Other work sessions may be scheduled by the Board during the year and all Board members should make an effort to attend.

5. Special Meetings: Special meetings of the Board may be called at anytime by the Chair or Secretary. Notice shall be given as required by the Open Meetings Law. Absent Board members have the option of teleconferencing with prior Board approval.

F. Quorum

1. Regular Meetings, Work Sessions and Special Meetings:

A quorum for purposes of regular meetings, special meetings or work sessions shall consist of a simple majority of those members then appointed and elected to the Board; provided, however, that the Chair or vice-chair of the Board must be in attendance. In the

event a quorum exists for the meeting, special meeting or work session, but a Board member is excused from voting, ~~pursuant to subsection (H) below~~, the quorum shall not be destroyed; provided, however, in no event shall fewer than three (3) members of the Board vote on any action.

2. Grievance Hearings: For purposes of a grievance hearing, a quorum shall consist of three (3) members of the Board to include the Chair or Vice-Chair. In the event that a quorum exists for the grievance hearing, but a Board member is excused from voting, ~~pursuant to subsection (H) below~~ the quorum shall be destroyed and the hearing will be continued until such time as a quorum is available.

G. Voting

1. Regular/Special Meetings/Work Sessions: All members, including the Chair, shall vote on all issues unless the member has been excused from voting by a majority of Board members present, due to a conflict of interest. In the event of a tie vote on any matter, the motion shall be defeated and another motion on the same matter is appropriate.

2. Grievance Hearings: All members, including the Chair, shall vote on all issues unless the Board member has been excused from voting by a majority of Board members present, due to a conflict of interest. Additionally, no Board member shall vote in a grievance hearing unless the Board member has been present during the entire hearing.

3. Communication: Board members shall refrain from discussing grievance matters with other Board members and with members of the public. All such discussions shall be shared during the public hearing or during any closed session during or following the hearing. In the event such communication takes place and a majority of the Board determines that the Board member can no longer be objective in considering the matter, the Board member shall be excused from voting by a majority of the Board members present.

H. Grievance Hearings

1. Jurisdiction of the Board: The Board shall only hear grievances of any member of the classified service of the City who has been discharged, suspended, reduced in rank, transferred against his or her will, or denied any promotion or raise in pay to which he or she would be entitled to. In such instances, that member shall be entitled to a hearing before the Board to determine whether or not the action complained of is justified. To request a hearing, the employee shall file his or her request with the City Clerk within ten (10) days after receiving the City Manager's decision; ~~provided: However, if the City's grievance procedures are not concluded within thirty (30) days, the employee may file a request with the City Clerk for a hearing at that time. Additionally, the Board shall not act on any grievance that is not properly before the Board. (see also: Section 8 of Chapter 303 of the 1999 Session Laws of the North Carolina General Assembly; and Chapter 2, Section 2-229, Step 4, of the Code of Ordinances of the City of Asheville).~~

2. Scheduling of Grievance Hearing: Grievance hearings shall be scheduled in accordance with ~~Section 8 of Chapter 303 of the 1999 Session~~ the Civil Service Laws. Upon receiving a request for a hearing before the Board, the City Clerk, in consultation with the Board's secretary, shall schedule the grievance hearing before the Board at a date not less than five (5) nor more than fifteen (15) calendar days from the City Clerk's receipt of such request. Except for the time for filing the initial request for hearing with the Board, the Board may extend the time for taking action herein for cause or by agreement of the parties to the proceeding. The secretary to the Board shall be responsible for notifying all appropriate parties of the date, time and location of the hearing.

3. Open Hearing: All hearings will be conducted in an open session unless a closed hearing is otherwise requested and granted. In light of North Carolina General Statute Section 160A-168, providing for the confidentiality of personnel records of City employees, preference for an opened or closed hearing shall be given to the employee bringing the grievance. However, the employee's preference for an open hearing may not always be granted. If the City objects to an open hearing and can persuade the Board that, due to the sensitive nature of the matters to be considered, an opened hearing may violate ~~G. S. North Carolina General Statute Section 160A-168~~, it shall remain within the Board's discretion, subject to a majority vote, whether to proceed in an open or closed session.

4. Closed Hearing: If the Board votes to have a closed hearing, then all persons not a party to the case shall be excused from the hearing room. The Chair, however, reserves the right to make exceptions as to the person(s) allowed to remain in the hearing room to facilitate the hearing process.

5. Rules of Evidence: While strict adherence to the formal rules of evidence is not required, the Board shall adhere to the general rules of evidence to protect and preserve the integrity of the quasi-judicial process.

6. Order of Conduct: ~~When addressing the Board, all parties shall stand unless permission is granted to the contrary.~~ Attorneys shall always examine witnesses while seated behind counsel's table unless permission is otherwise granted. Board members reserve the right to question the witness at any point during the proceedings.

7. Conflict of Interest:

a. Family Ties and Employment: The Board recognizes that in its capacity of hearing employee grievances, circumstances may require a Board member to excuse him/herself from hearing the grievance. In situations where a Board member worked in the City department less than ten (10) years ago, from which the grievance originates or has an immediate family member (as defined in the Personnel Policy) who currently works in the department from which the grievance originates, the Board member shall be excused by the remaining Board members and not participate in the hearing. It is each

Board member's responsibility to recognize these situations and make it known to the Chair of the inability to sit for the hearing.

b. Other Information: If any Board member has received information regarding the hearing from any source, whatsoever, that Board member shall, at the beginning of the hearing, make it known to all parties. The Board member shall state for the hearing Record whether the prior receipt of this information has created bias in his/her mind in favor of one party to the extent that the Board member would be more inclined to believe one side over the other. If bias is shown, the Board shall excuse that Board member from participating and voting on that matter. In addition to these circumstances, no Board member shall take part in the consideration or determinations of any matter or grievance in which he/she is personally or financially interested. In such circumstances, Board members will be excused from voting by the remaining members of the Board. Once a Board member has been excused from voting that Board member cannot participate in the hearing.

8. Procedure For Hearing:

a. Representation: Employees who request a hearing are entitled to be represented by counsel of his/her choice at their own expense. The City's Attorney Office will represent the City at any such hearing.

b. Documents: All materials or documents that the employee or the City would like for the Board to review ~~prior to~~ at the hearing, shall be submitted to the Human Resources Department ~~for distribution to the Board~~ no later than ten (10) days prior to the date of the hearing. ~~Six (6) Five (5) copies are required to be submitted, with five (5) of the copies for distribution to Board members and the other copy to the Board's attorney. It remains the responsibility of each party to insure that copies of all packages submitted to the Board are also served upon the attorney of record for the City, and the attorney of record for the employee and the Board's attorney no later than ten (10) days before the hearing.~~ Further, it is the responsibility of all parties to provide a separate copy of all documents to be filed as part of the official record on the date of the grievance hearing.

c. Witnesses: All parties are responsible for having their own witnesses present to testify. City employees who have been asked to testify before the Board will be excused with pay to testify as long as there is first hand knowledge of the facts and circumstances surrounding the grievance. City employees who appear to testify as character witnesses only will be excused from their work site to testify but, without pay. In cases of doubt about the type of testimony given, it is the responsibility of the Chair to make that determination after the witnesses' testimony. Grieving employees must notify the Human Resources Department of all City employees who will be asked to testify no later than seven (7) days before the hearing. If the employee is requested to testify as a character witness, it remains the responsibility of the grieving employee to inform his/her witnesses that character witnesses are not paid for any time they spend testifying or waiting to be called as a witness.

9. Deliberation: Upon conclusion of the hearing, the Board may, upon proper Motion, go into closed session to deliberate when authorized by Article 33C Chapter 143 of the North Carolina General Statutes, as amended from time to time. The Chair shall inform

those present whether the Board intends to render a decision on the same day or at some other specific date and time. The Board shall ~~make~~take action on its decision in open session.

10. Vote: It shall take a majority vote of a quorum of the Board members present to ~~determine that the act or omission complained of is not justified. reverse the decision from which an appeal was taken to the Board. A tie vote shall uphold the City's action, since the challenged action has not been overturned by a majority of the Board.~~

I. Amendments: These rules may be amended at any time by an affirmative vote of a simple majority of the entire Board, provided that such amendment(s) be first discussed, or presented in writing, at a regular or special meeting preceding the meeting at which the vote is taken. Provided further, in the event that such amendment(s) is discussed at a meeting preceding the meeting at which the vote is taken; and is not then presented in writing, it shall be presented in writing at the meeting at which the vote is taken. Such amendment(s) shall also be approved by the City Council.

J. Repeal: All other Rules or Rules and Regulations of this Board are hereby repealed.

Approved by the Civil Service Board on _____.

Civil Service Board Chair

Approved by the City Council on _____.

Mayor

RESOLUTION NO. 13-47

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, the terms of Gene Bell, Alfred Whitesides and Peggy Dalman, as members on the Asheville City Board of Education, expire on April 1, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Peggy Dalman, 45 Westchester Drive, Asheville, N.C., be and she is hereby reappointed to the Asheville City Board of Education, to serve an additional four year term, term to expire April 1, 2017, or until her successor has been appointed.

(2) Ms. Leah Ferguson, 49 Johnston Boulevard, Asheville, N.C., be and she is hereby appointed to the Asheville City Board of Education, to serve a four year term, term to begin April 1, 2013, and expire April 1, 2017, or until her successor has been appointed.

(3) Mr. Matthew Buys, 22 Greenleaf Circle, Asheville, N.C., be and he is hereby appointed to the Asheville City Board of Education, to serve a four year term, term to begin April 1, 2013, and expire April 1, 2017, or until his successor has been appointed.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Burleson
CITY CLERK

Gene Bell
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 13-48

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE
COMMUNITY RELATIONS COUNCIL

WHEREAS, Ms. Itiyopia Ewart has resigned, thus leaving a vacancy on the Asheville-Buncombe Community Relations Council until on December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Tracy Miles, 10 Stancliff Drive, Asheville, N.C., be and she is hereby appointed to the Asheville-Buncombe Community Relations Council, to serve the unexpired term of Ms. Ewart, term to expire December 31, 2013, or until her successor has been appointed.

Read, approved and adopted this 12th day of March, 2013.

Magdalen Boulison
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

Andrew
CITY ATTORNEY

Magdalen Boulison
City Clerk

RESOLUTION NO. 13-49

RESOLUTION IN SUPPORT OF WESTERN CRIME LABORATORY

WHEREAS, a bill has been introduced in the North Carolina General Assembly, Senate Bill 3, to appropriate funds for the establishment and construction of a Western Crime Laboratory in Edneyville; and

WHEREAS, the existence and proximity of such a facility would be of substantial benefit to the administration of criminal justice in Western North Carolina and the entire State;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. That the Asheville City Council supports the establishment of a Western Crime Laboratory, and urges the members of the General Assembly to support legislation directing and funding the construction of said facility.
2. The City Clerk shall cause a copy of this resolution to be transmitted to those members of the General Assembly whose district includes the City of Asheville, and the sponsors of the legislation.

Read, approved and adopted this 12th day of March, 2013.

Magdalena Boulson
City Clerk

John M. Bellamy
Mayor

Approved as To Form:

Musdace
City Attorney

Magdalena Boulson
City Clerk